

Agenda

Citizens' Independent Transportation Trust Board Meeting

May 16, 2003

4:00 PM

County Commission Chambers
Stephen P. Clark Center
111 NW 1st Street, 2nd Floor
Miami, FL 33128

Meeting called by:

Hon. Michael Abrams called the meeting to order at 4:10 p.m.

Attendees:

Marc Buoniconti, LtCol Colmenares, John F. Cosgrove, Maria Elena Coto, Clarence Days, Henry Lee Givens, Frank Hall, Jr., Thamara Labrousse, Elsa Lopez, Hon. Luis Morse, Rev. Theodore Wilde

STAFF: Danny Alvarez, Roosevelt Bradley, Robert Cuevas, Patty David, Hilda Fernandez, Alfredo Gonzalez, Bill Johnson, Bruce Libhaber

Agenda topics

Approval of May 7, 2003 Minutes

Reports

Action Items

New Business

Presentations

Next Meeting

Adjournment

2. APPROVAL OF MINUTES

Mr. Abrams asked for a motion to approve the May 7, 2003 minutes. A motion was made by Mr. John Cosgrove, seconded by Ms. Maria Elena Coto and carried without dissent.

3. **REPORTS**

A. INTERIM VICE-CHAIRPERSON

Mr. Abrams reported that it was his intention to have had appointed membership to the interim committees, however he would like to give each member an opportunity to select his/her preferences.

Rev. Wilde suggested that the interim committees be approved by the Trust.

Mr. Givens stated that he would like to request to separate the Compliance and Oversight Committee. Ms. Coto also agreed with Mr. Givens' request. Mr. Abrams said he would take it into consideration.

Mr. Abrams urged the members to meet with Mr. Roosevelt Bradley, Transit Director, and Danny Alvarez, Executive Director of OPTM, to get a better understanding of the departments' responsibilities.

B. COUNTY MANAGER

Bill Johnson, Assistant County Manager apologized for Steve Shiver not being able to attend the meeting due to a budget hearing. He also suggested to those members who have not met with staff to do so to help answer any questions or concerns they may have. He said he is the liaison for the county his main responsibility is transportation.

C. COUNTY ATTORNEY

Bruce Libhaber, Assistant County Attorney stated that at the last CITT meeting several members had questions concerning the Financial Disclosure Form. Therefore, he asked Ms. Ardith Walker from the Ethics Commission Office to attend the meeting to answer any questions. Ms. Walker briefly discussed the requirements for the Statement of Financial Interest for 2002. All Trust members are required to file the form by July 1, 2003. If the members have specific questions they may contact her at the office.

Mr. Libhaber said that Mr. Cosgrove had asked him to clarify the Trust's powers. The Trust does not have the authority to enter into any contracts. Contracts are enacted through the Board of County Commissioners (BCC) and then approved by the Trust. If the Trust disapproves of a contract it would then go back to the BCC for a two-thirds majority vote to override the recommendation. This Trust will only be dealing with contracts relating to People's Transportation Plan (PTP) projects, which will be funded by the surtax proceeds. Any additions, deletions or modifications to the PTP will be initiated by the Trust, which shall forward the recommendations to the BCC who will either approve or reject those recommendations. If the BCC rejects or disagrees with the recommendations the matter shall be referred back to the Trust for reconsideration. The BCC may approve, change or reject the Trust's reconsidered recommendation. A two-thirds majority vote of the Commission membership shall be required to take action other than as contained in the reconsidered recommendation by the Trust. The Trust is empowered to oversee, review and audit any or all

PTP transit projects using surtax monies. The Trust can require monthly/quarterly program reports generated by the County Manager and staff regarding the implementation of the projects funded by the half-penny sales tax. The ordinance is clear that the County Manager and County Attorney's Office shall provide to the Trust adequate staff and support services to enable the Trust to carry out its duties and responsibilities. However, that does not preclude the Trust from making any recommendations or suggestions. The County Manager will make all personnel decisions such as hiring, firing and salaries. In addition, the Trust needs to assure that no more than 5% of surtax proceeds be expended on administrative costs, exclusive of project management and oversight for projects funded by surtax monies.

Mr. Givens asked for a clarification in the language stated in the People's Transportation Plan Resource Guide regarding the 5% tax. Mr. Libhaber said that the Ordinance excludes "project management" from the 5%. For instance, if personnel is hired to oversee a PTP project that position is not included in the 5%.

Ms. Lopez asked if all the positions in OPTM have been filled. Mr. Johnson responded that they would be providing the Trust with a table of organization for each department. At the present time, 60 positions have been transferred from Transit to OPTM and five new positions have been created, including Danny Alvarez, Executive Director, his secretary and three administrative assistants. However, he would like to provide the Trust with detailed information of each department's responsibilities in carrying out the PTP.

LtCol Colmenares questioned if the 5% restriction on administrative costs also applied to municipalities as it does to the County. Mr. Cuevas responded that it only applies to the County.

LtCol Colmenares stated that he has reviewed the table of organization and his understanding is that those 60 positions and five new positions have been already programmed and funded from last year's fiscal dollars. The monies allocated within the ordinance of 5% will also fund the 46 additional positions. Mr. Johnson interjected that Commissioner Moss insisted that only those positions working directly with the PTP will be funded by the surtax proceeds.

Mr. Johnson asked the Trust not to take any action until it is provided with a budget presentation of both the Transit and OPTM departments.

Mr. Cuevas also commented on an additional Trust responsibility which is to monitor, oversee and periodically report to the BCC on the level of participation by Community Small Business Enterprises and Community Business Enterprises in contracts funded in whole or in part with the surtax proceeds and to recommend ways to increase their level of participation.

Mr. Libhaber clarified the usage of emails among the CITT members. He stated that he would discourage the use of emails with regards to any information relating to the CITT. Emails that are not seeking advice or comments are appropriate, however emails that engage discussion are in violation of the "Sunshine Law". Any report or opinion should be forwarded to the Secretariat of the CITT for distribution.

D. EXECUTIVE DIRECTOR

Danny Alvarez thanked everyone who has met with him and is looking forward to meeting with each member individually. Furthermore, he suggested holding a workshop for the members to discuss in detail the People's Transportation Plan.

4. ACTION ITEMS

A. SELECTION OF INTERIM VICE-CHAIR

Mr. Abrams suggested that an interim vice-chair be selected. Ms. Elsa Lopez motioned to appoint John Cosgrove, seconded by Mr. Mark Buoniconti. Mr. Givens motioned to close nominations, seconded by Mr. Morse. Motion to appoint John Cosgrove was unanimously approved.

B. ADOPTION OF MASON'S RULES OF ORDER

Mr. Abrams asked for a motion to approve the Mason's Rules of Order. Mr. Buoniconti made a motion to approve the Mason's Rules of Order. Mr. Cosgrove amended the motion to approve them as an interim adoption until the Bylaws Committee has been given an opportunity to review them. Mr. Buoniconti amended his motion to include interim adoption; Mr. Cosgrove seconded the motion and it was unanimously approved. .

C. INTERIM COMMITTEE ASSIGNMENTS

Mr. Abrams asked for a motion to approve the interim committee assignments. Rev. Wilde made a motion that the CITT establish five temporary committees: Budget and Finance; Project Review; External Affairs; Compliance and Oversight; and Bylaws. Furthermore, that the Bylaws Committee consider the expected workload of committees including that of Compliance and Oversight and to report to the CITT within 90 days the proposed permanent committees, as part of the proposed bylaws. The motion was second by Mr. Morse and carried without dissent.

Mr. Givens stated his concern with the Compliance and Oversight Committee and requested that the County Manager's office schedule a meeting with Marsha Jackman, Director of Business Development, and invite the Community Relations Board to discuss small disfranchised businesses. Many years ago when the rail system occurred small-disfranchised communities were left out because it required large contracts and small businesses were not able to participate. We need to make sure this does not occur again. These communities include Overtown, Hialeah, Perrine, Allapattah and Liberty City. The Trust needs to make sure that those communities and the residents have the opportunity to participate in the growth of this community especially in the transportation portion.

Mr. Johnson responded that he would schedule the meeting and notify his office.

D. INTERLOCAL AGREEMENT

Mr. Alvarez stated that in order for the municipalities to receive their 20% share of the surtax proceeds for transportation they need to enter into an Interlocal agreement with the County. The Transportation Committee has approved the agreement at its meeting May 15, 2003. Those municipalities include those listed in the ordinance as of November 5, 2002.

Mr. Frank Hall asked Mr. Alvarez for responses to the four questions he had sent him. (Attached) Mr. Alvarez responded that he forwarded his questions to the County Attorney's office because they prepared the document. The following questions were responded by Mr. Robert Cuevas, Assistant County Attorney.

Section 4

- 1) Why would the funding non-replacement language only include a City's General Fund? What if all or certain transportation services was funded through other funds?

The ordinance requires that the city maintenance efforts be at the same level general funds support for transportation that was there for FY 01 and FY 02 limit to the general fund support.

Section 6

- 2) How will the amounts that a newly incorporated City is entitled to be calculated? How much of the 80% of net proceeds that the County control will be allocated to new Cities?

Any new incorporated city created after November 5, 2002, will have to negotiate with the County, which will be deducted from the County's 80% share.

Has there been any discussion to what percentage the new cities will be entitled?

Any monies taken from the 80% will decrease the funds projected for the PTP.

Section 8

- 3) The way this section is worded to allow for possible confusion. If the CITT has the right to monitor and audit a City's spending of Trust Funds on project(s) why wouldn't the project(s) need to be approved by the CITT prior to the City's expending of funds? The CITT could find itself in a situation where it is criticizing a City's spending that was done in an appropriate business-like manner, on a project that the CITT may feel in inappropriate.

The Ordinance does not require CITT approval.

Section 10

- 4) Considering the responsibilities of the CITT, shouldn't any notice also be sent directly to the CITT?

The agreement is between the County and the city. It is does not include a third party.

Mr. Buoniconti stated that based on his interpretation of the agreement, the CITT is entitled to withhold funds from a municipality if they do not agree that the project is appropriate. Mr. Cuevas said that is incorrect, the Trust can make recommendations to the BCC for consideration but cannot withhold funds.

LtCol. Colmenares asked if the agreement in discussion is the same as the previous agreement sent it them for review with the Attachment A, because Mr. Buoniconti's comments are based from Attachment A.

Mr. Cuevas said that the Attachment A is not part of the Interlocal Agreement nor does it apply to new cities formed after November 5, 2002.

Mr. Buoniconti made a motion to approve the original Interlocal Agreement that included Attachment A, which gives Trust more options.

Mr. Cosgrove moved to adopt the Interlocal Agreement with an explanation, seconded by Mr. Givens. Mr. Cosgrove stated that since the County Attorney's Office and the Transportation Committee already approved the Interlocal Agreement he would like to make a second motion to address the issue of the new cities allocation and to include the 5% as outlined for the County.

Mr. Morse said he would like to amend the motion to include the same restrictions on the 5% as it applies to the County, seconded by Ms. Coto.

Mr. Abrams introduced Mr. Marchner, Executive Director of the Dade League of Cities. Mr. Marchner stated that The Miami Dade League of Cities felt that if there were any objections to any transportation projects it should be the discretion of the citizens of each municipality. He does not feel any municipality would have any objection to cap the 5% for administrative cost, and would urge the Trust to approve the Interlocal Agreement.

Mr. Abrams asked the maker of the motion to consider withdrawing the amendment and make a separate motion in order to forward the Interlocal Agreement to the Board of County Commissioners.

Mr. Abrams asked for a motion to approve Mr. Morse's amendment, seconded by Ms. Coto and carried without dissent.

Mr. Buoniconti motioned to adopt Attachment 1 to the Interlocal Agreement, seconded by LtCol Colmenares, and carried without dissent.

Mr. Abrams asked for a motion to approve the main motion approving the Interlocal Agreement.

Mr. Cosgrove made a motion to the Board of County Commissioners to amend the ordinance to include new cities created after November 5, 2002 to entitle them to get their pro rata share of the

20% by population. The motion was seconded by Mr. Clarence Days, and carried without dissent.

Mr. Johnson encouraged the members to allow staff to present a detailed presentation of the PTP before a resolution is passed to the Board of County Commissioners.

Mr. Abrams asked Mr. Cosgrove to withdraw the motion. Mr. Cosgrove said he would like to refer his motion to a committee.

Mr. Alvarez invited the members to attend the Palmetto Station Grand Opening on May 30, 2003 at 11:00 a.m.

5. ADJOURNMENT

Mr. Abrams suggested that the remainder of the Agenda be deferred to the next CITT meeting and asked for a motion to adjourn. A motion was made by Mr. Morse, seconded by LtCol Colmenares and carried without dissent. The meeting adjourned at 6:30 p.m.

Staff distributed a letter from CTAC and the Palmetto Station Opening Invitation.